

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To: JOSEPH C. REDMOND, JR. C/O MORGAN & FINNEGAN, LLP 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101
DUE _____ mo. call-up _____ mo. call-up BY _____

Date of mailing (day/month/year) <b>11 AUG 2006</b>
<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International filing date (day/month/year) 18 March 2005 (18.03.2005)
Applicant NOKIA CORPORATION

Applicant's or agent's file reference 4208-4047PC1
International application No. PCT/US05/09066
Applicant NOKIA CORPORATION

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

CASE 04208-4047PC1 ATTY SCR

DUE OCT. 11, 2006 (Art. 19)

mo. call-up Sept. 11, 2006

**For more detailed instructions,** see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
 

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**  
 Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.  
  
 The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.  
  
 Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
  
 In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.  
  
 See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Eugene Yun <i>Rugenia Zozan</i> Telephone No. (571) 272-7860
--	---

Form PCT/ISA/220 (January 2004) CASE 04208-4047PC1 ATTY SCR (See notes on accompanying sheet)

DUE November 11, 2006 (Suppl. IDS)

mo. call-up OCT. 11, 2006

11m.

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 4208-4047PC1	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US05/09066	International filing date ( <i>day/month/year</i> ) 18 March 2005 (18.03.2005)	(Earliest) Priority Date ( <i>day/month/year</i> ) 19 March 2004 (19.03.2004)
Applicant NOKIA CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:



the international application in the language in which it was filed.



a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☒ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/09066

## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:  
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-51

- Remark on Protest**
- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
  - ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
  - ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/09066

## A. CLASSIFICATION OF SUBJECT MATTER

IPC: **H04B 7/00**( 2006.01)  
H04M 1/66( 2006.01),1/68( 2006.01),3/16( 2006.01),3/42( 2006.01)

USPC: 455/41.2,41.3,410,411,414.1,415,435.1,558

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
U.S. : 455/41.2,41.3,410,411,414.1,415,435.1,558

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2001/0007815 A1 (PHILIPSSON) 12 July 2001 (12.07.2001), ALL.	1-51

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

19 July 2006 (19.07.2006)

Date of mailing of the international search report

11 AUG 2006

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Eugene Yun

Telephone No. (571) 272-7860

*Eugene Yun*

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/09066

## BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-51, drawn to short range communications.

Group II, claim(s) 52-55, drawn to frequency identification transponders.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group II has limitations such as a transponder logic unit which is not present in group I. Short range communication is not present in group II.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: JOSEPH C. REDMOND, JR. C/O MORGAN & FINNEGAN, LLP 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101
--

Date of mailing (day/month/year) <b>11 AUG 2006</b>
--

Applicant's or agent's file reference 4208-4047PCI
---

<b>FOR FURTHER ACTION</b> See paragraph 2 below
--

International application No. PCT/US05/09066	International filing date (day/month/year) 18 March 2005 (18.03.2005)	Priority date (day/month/year) 19 March 2004 (19.03.2004)
---	--	--

International Patent Classification (IPC) or both national classification and IPC IPC: <b>H04B 7/00</b> ( 2006.01) H04M 1/66( 2006.01),1/68( 2006.01),3/16( 2006.01),3/42( 2006.01) USPC: 455/41.2,41.3,410,411,414.1,415,435.1,558
---

Applicant NOKIA CORPORATION
--------------------------------

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

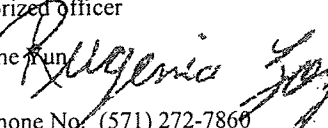
## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 19 July 2006 (19.07.2006)	Authorized officer Eugene  Telephone No. (571) 272-7860
--	---	--

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/09066

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/09066

**Box No. IV Lack of unity of invention**

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
- ☐ paid additional fees
  - ☐ paid additional fees under protest and, where applicable, the protest fee
  - ☐ paid additional fees under protest but the applicable protest fee was not paid
  - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
See the lack of unity section of the International Search Report(Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-51



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/09066

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-51</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-51</u>	NO
Industrial applicability (IA)	Claims <u>1-51</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/09066

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1-51 lack novelty under PCT Article 33(2) as being anticipated by Philipsson (US 2001/0007815).

Referring to Claim 1, Philipsson teaches a method of connection establishment in a short-range wireless communication environment, comprising:

- generating a RF-ID interrogation signal by a first terminal equipped with a RF-ID tag reader device (see lines 1-8 of ABSTRACT);

- detecting the RF-ID interrogation signal by a second terminal equipped with means to detect and respond to RF-ID interrogation signals when within the range of the RF-ID interrogation signal (see paragraph [0020]);

- notifying a processor in the second terminal of the presence of the RF-ID interrogation signal for setting a short-range communication module in the second terminal into a predefined operation mode for being capable of detecting paging signals directed to the second terminal (see paragraph [0022]);

- responding to the RF-ID interrogation signal by transmitting a RF-ID response signal to the first terminal including identification information relating to the short-range communication module of the second terminal (see paragraphs [0020] and [0022]);

- processing the received RF-ID response signal by the first terminal to activate a short-range communication module in the first terminal to initiate a shortened session setup by transmitting a short-range paging signal directed to the second terminal based on information of the received RF-ID response signal to establish a short-range connection with the second terminal (see paragraph [0025]);
- and

- detecting the paging signal by the short range communication module in the second terminal for immediate establishment of a short range connection between the first and second terminals (see paragraph [0025]).

Claim 20 has similar limitations as claim 1.

Referring to Claims 2 and 21, Philipsson also teaches incorporating in the second mobile terminal a RF-ID tag reader having tag functionality and terminal identification information (see paragraph [0025]).

Referring to Claims 3 and 22, Philipsson also teaches switching the RF-ID tag reader in the second terminal to operate in a show communication mode and simulate a RF-ID tag device (see paragraph [0028]).

Referring to Claims 4 and 23, Philipsson also teaches the first and second terminals including RF-ID tag readers operating in an active mode (see paragraph [0022] noting that both terminals have their own power supply, thus being active).

Referring to Claims 5 and 24, Philipsson also teaches the RF-ID tag reader of the second terminal operating in a powered downstate and passive mode (see paragraph [0028]).

Referring to Claims 6 and 25, Philipsson also teaches the RF-ID tag reader automatically switching to a passive state when de-energized (see paragraph [0028]).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/09066

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Referring to Claims 7 and 26, Philipsson also teaches the first and second terminals conforming to the principles of Bluetooth technology (see paragraph [0029]).

Referring to Claims 8 and 27, Philipsson also teaches the processor of the second terminal responding terminal to the second terminal informs the Bluetooth module of the second terminal to enter into a Bluetooth page scan mode after detecting an interrogation signal and responding to it with identification information of the Bluetooth communication module in order to provide a shortened device discovery and session setup between the terminals (see paragraph [0016]).

Referring to Claims 9 and 28, Philipsson also teaches transmitting the paging signal by the first terminal comprises transmitting by the first terminal a Bluetooth paging message to the second terminal including the Bluetooth identification information of the short-range communication module of the second terminal (see paragraph [0016]).

Referring to Claims 10 and 29, Philipsson also teaches the predefined operation mode of the second terminal is Bluetooth Page scanning mode (see paragraph [0016]).

Referring to Claims 11 and 30, Philipsson also teaches the identification information relating to the short-range communication module of the second terminal includes at least a unique Bluetooth identification number of the short-range communication module of the second terminal (see paragraph [0017]).

Referring to Claims 12 and 31, Philipsson also teaches periodically updating at least portion of the identification information relating to the second terminal (see paragraph [0025]).

Referring to Claims 13 and 32, Philipsson also teaches the identification information relating to the short-range communication module of the second terminal includes a Bluetooth serial number and Bluetooth Clock Offset information of the short-range communication module of the second terminal (see paragraph [0016]).

Referring to Claims 14 and 33, Philipsson also teaches one of the terminals is a stationary access point connected to an infrastructure network enabling the other terminal to conduct transactions with service applications within the communication network through the established wireless short range connection (see paragraph [0005]).

Referring to Claims 15 and 34, Philipsson also teaches the infrastructure network as the Internet (see paragraph [0002]).

Referring to Claims 16 and 35, Philipsson also teaches the first and second terminals as mobile terminals (see paragraph [0027]).

Referring to Claims 17 and 36, Philipsson also teaches determining whether a short range connection is acceptable (see paragraph [0005]).

Referring to Claims 18 and 37, Philipsson also teaches instructing the short range communication module to enter into a page scanning mode if the Bluetooth mode is acceptable (see paragraph [0016]).

Referring to Claims 19 and 38, Philipsson also teaches instructing the short range communication module to enter into a non connectable connection if the Bluetooth mode is not acceptable (see paragraph [0028]).

Referring to Claim 39, Philipsson also teaches the RF-ID tag reader comprising:

A radio frequency interface 20 (fig. 2) and an antenna 23 (fig. 2); and

An associated logic unit, which is connectable to the radio frequency interface where the associated logic unit is operable in a transponder operation mode, in which the reader device acts as radio frequency identification transponder (see paragraph [0022]).

Referring to Claim 40, Philipsson also teaches a reader logic unit, which is connected to said radio frequency interface and which allows for operating said reader operation mode (see paragraph [0022]).

Referring to Claim 41, Philipsson also teaches said transponder operation mode operable independently from any power supply (see paragraph [0021]).

Referring to Claim 42, Philipsson also teaches said reader device adapted to operate as a passive radio frequency identification transponder in said transponder operation mode (see paragraph [0028]).

Referring to Claim 43, Philipsson also teaches said reader device acting as a passive read only radio frequency identification transponder in said transponder operation mode (see paragraph [0028]).

Referring to Claim 44, Philipsson also teaches said transponder logic unit comprising a transponder memory (see paragraph [0020]).

Referring to Claim 45, Philipsson also teaches said transponder memory as non-volatile (see paragraph [0020]).

Referring to Claim 46, Philipsson also teaches said transponder memory as configurable (see paragraph [0021]).

Referring to Claim 47, Philipsson also teaches said transponder logic unit coupled through a switch unit to said radio frequency interface, wherein said switch unit is operable to select between said reader operation mode and said transponder operation mode (see paragraph [0022]).

Referring to Claim 48, Philipsson also teaches said reader device operates autonomously in said transponder operation mode during periods of time, within which said reader device is not energized (see paragraph [0028]).

Referring to Claim 49, Philipsson also teaches said radio frequency interface is adapted to provide signals required for operation of said reader device in said reader operation mode and said transponder operation mode (see paragraph [0022]).

Referring to Claim 50, Philipsson also teaches said reader device supports near field communication (ECMA-340) standard, wherein said reader device is operable with a passive communication mode in said reader operation mode, wherein said reader device is operable with a show communication mode in said transponder operation mode (see paragraph [0028]).

Referring to Claim 51, Philipsson also teaches with an active communication mode in said reader operation mode (see paragraph [0021]).

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments ?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**